

A0 440 (Rev. 10/93) Summons In a Civil Action

Supplemental Summons in a Civil Action

United States District Court

SOUTHERN

NEW YORK

DISTRICT OF

Off Stage Productions, Inc., Gipsy Kings, Inc. and Nicholas Reyes, Paul Reyes, Francois Canute Reyes, Andre Reyes, Maurice Baliardo, Jacques Baliardo, and Tonino Baliardo Professionally Known as The "Gipsy Kings"

Plaintiffs,

CASE NUMBER: 04CV06065

V.

Phillipe Bourgues a/k/a Manolo, Joseph Cortes a/k/a Lito, Very, Ltd. d/b/a Le Jazz Au Bar, Ex Replay, Inc. d/b/a Ciao,

Defendants.

TO: (Name and address of defendant)

Very, Ltd d/b/a Le Jazz Aubar, 41 East 58th Street, New York, New York 10022

Ex Replay, Inc. d/b/a Ciao, 150 Spring Street, New York, New York 10012

Phillipe Bourgues a/k/a Manolo, d/b/a Manolito at 2895 Biscayne Blvd, suite 500, Miami Fl. 33137

Joseph Cortes a/k/a Lito, d/b/a Manolita at 2895 Biscayne Blvd, suite 500, Miami Fl. 33137

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFFS' ATTORNEY
(name and address)

GOODKIND LABATON RUDOFF & SUCHAROW LLP

100 Park Avenue

New York, New York 10017

Telephone: (212) 907-0700

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

Jessica Doss
BY DEPUTY CLERK

DATE

FEB 24 2005

AFFIDAVIT OF SERVICE
UNITED STATES DISTRICT COURT
Southern District of New York

Index Number: 04CV06065

Date Filed: _____

Plaintiff:

OFF STAGE PRODUCTIONS, INC., et al.

vs.

Defendant:

PHILLIPE BOURGUES a/k/a MANOLO, et al.

Received by ASK Litigation Support, Inc. to be served on **EX REPLAY INC D/B/A "CIAO", 150 Spring St., New York, NY 10012.**

I, Darryl Green, being duly sworn, depose and say that on the **3rd day of March, 2005 at 7:45 pm, I:**

Personally delivered a true copy of the **Supplemental Summons** to the Bartender who refused to give her name and that said documents were in actuality delivered to the business at the location stated above.

Description of Person Served: Age: 50, Sex: F, Race/Skin Color: Caucasian, Height: 5'7", Weight: 130, Hair: Brown, Glasses: N

I am over the age of 18, not a party to this action, and reside in the State of New York.

Sworn to before me on the 11th day of March, 2005 by
the affiant who is personally known to me.


NOTARY PUBLIC

SIMON H. KAHN
NOTARY PUBLIC, State of New York
No. 01KA5066776
Qualified in New York County
Commission Expires March 11, 2006



Darryl Green
Lic. 86635

ASK Litigation Support, Inc.
D/B/A Firm Service
18 East 41st. Street, Suite 406
New York, NY 10017
(212) 481-9000
Our Job Serial Number: 2005000212

AFFIDAVIT OF SERVICE

**UNITED STATES DISTRICT COURT
Southern District of New York**

Index Number: 04CV06065

Date Filed: _____

Plaintiff:

OFF STAGE PRODUCTIONS, INC., et al.

vs.

Defendant:

PHILLIPE BOURGUES a/k/a MANOLO, et al.

Received by ASK Litigation Support, Inc. to be served on **EX REPLAY INC D/B/A "CIAO", 150 Spring St., New York, NY 10012.**

I, Darryl Green, being duly sworn, depose and say that on the **23rd day of February, 2005 at 7:00 pm, I:**

Personally delivered a true copy of the **Amended Complaint** to the Bartender, who refused to give her name and that said documents were in actuality delivered to the business at the location stated above.

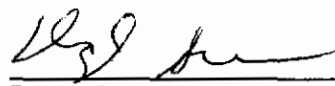
Description of Person Served: Age: 50, Sex: F, Race/Skin Color: Caucasian, Height: 5'7", Weight: 130, Hair: Brown, Glasses: N

I am over the age of 18, not a party to this action, and reside in the State of New York.

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the affiant who is personally known to me.


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SIMON H. KAHN
NOTARY PUBLIC, State of New York
No. 01KA5066776
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Commission Expires March 11, 2006


Darryl Green
Lic. 86635

ASK Litigation Support, Inc.
D/B/A Firm Service
18 East 41st. Street, Suite 406
New York, NY 10017
(212) 481-9000
Our Job Serial Number: 2005000236

AFFIDAVIT OF SERVICE

R.D. WELLS SERVICES

Index # **04CV06065**

STATE OF NEW YORK UNITED STATES DISTRICT Court, County of SOUTHERN DISTRICT OF NEW YORK

OFF STAGE PRODUCTIONS, INC.,etal

Plaintiff

against

Defendant

PHILLIPE BOURGUES,etc,etal

STATE OF NEW YORK

County of: **ALBANY**

Robert Wells, being duly sworn, deposes and says that he/she is over the age of eighteen(18) years; that on: **3/1/2005** at the office of the Secretary of State, of the State of New York in the City of Albany, New York, he/she served the annexed **Supplemental Summons in a Civil Action** on **EX REPLAY INC.**

Defendant in this action, by delivering to and leaving with **Amy Lesch** an authorized agent in the Office of the Secretary of State, of the State of New York, personally at the Office of the Secretary of State of the State of New York, two (2) true copies thereof and that at the time of making such service, deponent paid said Secretary of State a fee of **\$40.00** Dollars. That said service was made pursuant to Section **306**, Business Corporation Law.

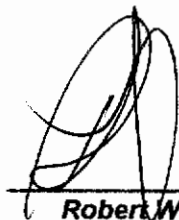
Deponent further says that he/she knew the person so served as aforesaid to be an authorized agent in the Office of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said defendant.

Deponent further states that he/she describes the person actually served as follows:

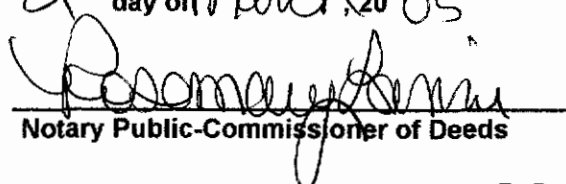
Sex: Skin Color: Hair Color: Age (Approx.) Height (Approx.) Weight (Approx.)

Female White Blond 25 5'11 250

Other Identifying Features:


Robert Wells

Sworn to before me, this

2 day of **March, 20 05**

Notary Public-Commissioner of Deeds

ROSEMARY LANNI
Notary Public, State of New York
Qualified in Albany County
Reg No 4904277
Commission Expires Nov 2, **2005**

R. D. WELLS SERVICES
P.O. BOX 3931
ALBANY, NY 12203

AFFIDAVIT OF SERVICE

R.D. WELLS SERVICES

Index # 04CV6065

STATE OF NEW YORK UNITED STATES DISTRICT Court, SOUTHERN DISTRICT OF NEW YORK

OFF STAGE PRODUCTIONS, INC., et al

Plaintiff

against

Defendant

PHILLIPE BOURGUES, etc, et al

STATE OF NEW YORK

County of: **ALBANY**

Robert Wells, being duly sworn, deposes and says that he/she is over the age of eighteen(18) years; that on: **2/18/2005** at the office of the Secretary of State, of the State of New York in the City of Albany, New York, he/she served the annexed **Amended Complaint** on **EX REPLAY, INC.**

Defendant in this action, by delivering to and leaving with **Carol Vogt** an authorized agent in the Office of the Secretary of State, of the State of New York, personally at the Office of the Secretary of State of the State of New York, two (2) true copies thereof and that at the time of making such service, deponent paid said Secretary of State a fee of **\$40.00** Dollars. That said service was made pursuant to Section **306**, Business Corporation Law.

Deponent further says that he/she knew the person so served as aforesaid to be an authorized agent in the Office of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said defendant.

Deponent further states that he/she describes the person actually served as follows:

Sex: Skin Color: Hair Color: Age (Approx.) Height (Approx.) Weight (Approx.)

Female White Brown 45 5'1 130

Other Identifying Features: **Glasses**

Robert Wells

Sworn to before me, this

18th day of **Feb**, 20**05**

Rosemary Lanni
Notary Public-Commissioner of Deeds

**R. D. WELLS SERVICES
P.O. BOX 3931
ALBANY, NY 12203**

ROSEMARY LANNI
Notary Public, State of New York
Qualified in Albany County
Reg No 4904277
Commission Expires Nov 2, **2005**



GOODKIND LABATON RUDOFF & SUCHAROW LLP

MICHELE C. CERULLO

Direct Dial: (212) 907-0845
Direct Fax: (212) 883-7045
MCerullo@glrslaw.com

February 18, 2005

Via First Class Mail

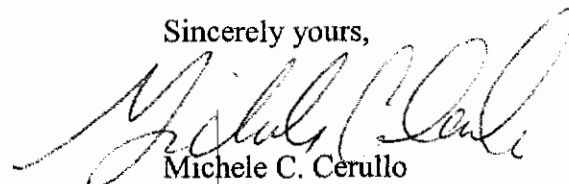
Barry A. Wadler, Esq.
630 Third Avenue
New York, NY 10017

Re: Off Stage Productions, Inc. et. al. v. Bourgues a/ka Monolo et. al.
Civil Action No. 04 CV. 06065

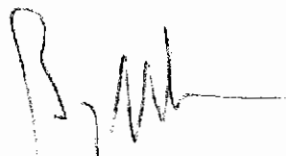
Dear Barry:

Enclosed please find a copy of the Amended Complaint in the above referenced matter. Please confirm by signing below that you are authorized to and agree to accept service of the Amended Complaint on behalf of defendant Very Ltd. d/b/a "Aubar".

Sincerely yours,



Michele C. Cerullo



Agreed and Accepted By:
Barry Wadler, Esq.
Attorney for Defendant
Very Ltd d/b/a Aubar



GOODKIND LABATON RUDOFF & SUCHAROW LLP

MICHELE C. CERULLO

Direct Dial: (212) 907-0845
Direct Fax: (212) 883-7045
mcerullo@glrslaw.com

March 14, 2005

Via Fascimile & First Class Mail

Barry A. Wadler, Esq.
630 Third Avenue
New York, NY 10017

Re: Off Stage Productions, Inc. et. al. v. Bourgues a/ka Monolo et. al.
Civil Action No. 04 CV. 06065

Dear Barry:

Enclosed please find the Supplemental Summons in the above referenced action.

Sincerely yours,

Michele C. Cerullo

MCC/spw
Enclosure

GOODKIND LABATON RUDOFF & SUCHAROW LLP100 Park Avenue, 12th Floor
New York, New York 10017-5563

Voice: (212) 907-0700

Fax: (212) 818-0477

PLEASE DELIVER AS SOON AS POSSIBLE TO:

RECIPIENT	COMPANY	FAX NO.	PHONE NO.
Barry A. Wadler		(212) 661-9491	(212) 687-5911

FROM: Michele C. Cerullo

March 14, 2005

PHONE: (212) 907-0845**CLIENT/MATTER #:** 011133/0008

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IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL BACK AS SOON AS POSSIBLE. MY NUMBER IS (212) 907-0700.

PLEASE FORWARD THE ATTACHED TO THE APPROPRIATE PERSON IN YOUR FIRM AS SOON AS POSSIBLE.

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GOODKIND LABATON RUDOFF & SUCHAROW LLP

100 Park Avenue, 12th Floor
New York, New York 10017-5563

Voice: (212) 907-0700

Fax: (212) 818-0477

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